

United States Bankruptcy Court

Western District of Virginia



Local Rules

John W. L. Craig, II
Clerk of Court

EFFECTIVE June 1, 1989
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LOCAL RULE I

Scope of Rules

The Supreme Court of the United States has prescribed rules of procedure in bankruptcy cases pursuant to 28 U.S.C., Section 2075.

Bankruptcy Rule 9029 gives the authority to the United States District Court to promulgate rules for the United States Bankruptcy Court. Pursuant to Order dated July 18, 1988, by the Honorable James C. Turk, Chief Judge of the United States District Court for the Western District of Virginia, the function of promulgating rules governing practice and procedure in the United States Bankruptcy Court has been granted to the Judges of the United States Bankruptcy Court.

These local rules are to govern practice and procedure solely in the United States Bankruptcy Court for the Western District of Virginia and are designed to clarify and assist in practices and procedures within the United States Bankruptcy Court in the Western District of Virginia in a way that is not inconsistent with any provision of federal law, Federal Rules of Civil Procedure, or the Bankruptcy Rules.

LOCAL RULE II

District and Divisions of the Western District of Virginia

A. **District:** The Western District of Virginia consists of those counties, cities and towns as set forth in 28 U.S.C., Section 127.

B. **Divisional Offices:** There are three (3) divisional Clerk's offices wherein all petitions, motions, schedules, statements and other documents to be filed with the Court are to be sent. The divisions are as follows:

1. The Roanoke Divisional Office, Commonwealth of Virginia Building, 210 Church Avenue, Roanoke, VA 24011 (mailing address P. O. Box 2390, Roanoke VA 24010), which consists of the Counties of Bland, Botetourt, Buchanan, Carroll, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Lee, Montgomery, Pulaski, Roanoke, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe, and the Cities of Bristol, Galax, Norton, Radford, Roanoke, and Salem.

2. The Lynchburg Divisional Office, U. S. Courthouse & Federal Building, 1100 Main Street, P. O. Box 6400, Lynchburg, VA 24505, which consists of the Counties of Albemarle, Amherst, Appomattox, Bedford, Buckingham, Campbell, Charlotte, Culpeper, Cumberland, Fluvanna, Greene, Halifax, Henry, Louisa, Madison, Nelson, Orange, Patrick, Pittsylvania, and the Cities of Charlottesville, Bedford, Lynchburg, Danville, Martinsville, and South Boston.

3. The Harrisonburg Divisional Office, U.S. Courthouse Post Office, 116 N. Main Street, P. O. Box 1326, Harrisonburg, VA 22801, which consists of the Counties of Alleghany, Augusta, Bath, Clarke, Frederick, Highland, Page, Rappahannock, Rockbridge, Rockingham, Shenandoah, Warren, and the Cities of Harrisonburg, Staunton, Waynesboro, Winchester, Buena Vista, Lexington, Clifton Forge, and Covington.

C. **Court Locations:** The Bankruptcy Court for the Western District of Virginia sits in seven (7) locations as mandated by 28 U.S.C., Section 127 as well as additional locations in the discretion of the United States Judicial Conference. The locations within the Western District of Virginia are: Abingdon (U.S. Courthouse & Federal Building, Abingdon, VA 24210), Big Stone Gap (U.S. Courthouse & Post Office, Big Stone Gap, VA 24219), Charlottesville (U.S. Courthouse & Federal Building, Charlottesville, VA 22901), Danville (U.S. Courthouse & Post Office, Danville, VA 24541), Harrisonburg (U.S. Courthouse & Post Office, Harrisonburg, VA 22801), Lynchburg (U.S. Courthouse & Federal Building, Lynchburg, VA 24505), Roanoke (Commonwealth of Virginia Building, Roanoke, VA 24011).

Rule II, continued

D. Judges' Chambers: There are three Bankruptcy Judges currently sitting in the Western District of Virginia. They are as follows:

The Honorable William E. Anderson, Chief Judge
1100 Main Street
P. O. Box 442
Lynchburg, VA 24505
(804) 846-3118

The Honorable H. Clyde Pearson, Judge
210 Church Avenue
P. O. Box 2389
Roanoke, VA 24010
(703) 982-6394

The Honorable Ross W. Krumm, Judge
116 N. Main Street
P. O. Box 586
Harrisonburg, VA 22801
(703) 434-6747

LOCAL RULE III

Attorneys

A. Bar of the Court: Those attorneys who are admitted to practice before this Court shall comprise the Bar of the United States Bankruptcy Court for the Western District of Virginia.

B. Qualifications for Admission to Practice: An attorney, to qualify for admission to practice before this Court, shall be a member in good standing of the Bar of the State of Virginia and be administered by the Court the oath of admission, upon the filing of an acceptable application to practice before this Court.

C. Application and Procedure for Admission: Every attorney desiring admission to practice before this Court shall file with the Clerk written application therefor accompanied by an endorsement by one qualified member of the Bar of this Court stating that the applicant is of good moral character and professional reputation and is qualified to practice bankruptcy law. The Clerk of this Court shall supply such application upon request (See Form 3.1). As a part of the application, the applicant shall certify that the said applicant has read the Rules of Bankruptcy Procedure and the Local Rules of this Court and is familiar with the Federal Rules of Civil Procedure and the Federal Rules of Evidence.

D. Presentation in Court: The endorser of the applicant shall, after approval of the application by the Court, present him in open Court and by oral motion move for his admission to practice. If admitted, the applicant shall in open court take the oath required for admission and sign the roll of the Bar of this Court. Presentation may take place in chambers with leave of the Court.

E. Other Attorneys:

1. Eastern District of Virginia: Any attorney who is a member in good standing of the bar of the United States Bankruptcy Court for the Eastern District of Virginia shall be permitted to practice in the Bankruptcy Court of the Western District of Virginia upon filing with the Clerk of this Court:

(a) a certificate of the Clerk of the United States Bankruptcy Court for the Eastern District of Virginia stating that said attorney is a member in good standing of the Bar of that District, and

(b) a certification from the applicant stating that said attorney has, within the preceding sixty (60) days, read the Local Rules of this Court (Form 3.2).

Local Rule III, continued

2. Foreign Attorneys: Attorneys who are not qualified and licensed to practice under the laws of Virginia, but who are qualified and licensed to practice before the Supreme Court of the United States, or before the highest court of any state in the United States, or before the courts of the District of Columbia, may not become members of the bar of this Court, but may appear only in association with a member of the bar of this Court, upon motion of such member, and only for the conduct of a case in which associated and then pending before the Court. Such appearance shall not be withdrawn without the leave of the Court. Service of notice, process, or any other paper upon him shall be equivalent to such service on the parties for whom he has appeared; provided, however, that the foregoing provisions shall not apply to a party who conducts his own case. A party who conducts his own case shall file with his pleadings a memorandum of an address where notice can be served upon him.

F. Appearance at All Hearings: Counsel of record who files a petition under any chapter in this Court for a debtor, or debtors, must appear at all Court hearings unless excused or given permission to withdraw by the Court.

G. Withdrawal of Appearance: No attorney of record shall withdraw from any cause pending in this Court, except with the consent of his client stated in writing and by order of the Court or for good cause shown after notice to the client. Any attorney withdrawing from a cause shall forthwith give written notice thereof to the Clerk of the Court at such place as said cause is pending. Any attorney entering a cause at any time after its inception shall promptly give written notice thereof to said Clerk, requesting to be entered as attorney of record.

H. Courtroom Decorum: Counsel shall at all times conduct and demean themselves with dignity and propriety. When addressing the Court, counsel shall rise unless excused therefrom by the Court. All statements and communications to the Court shall be clearly and audibly made from a standing position at the attorneys' lectern facing the Court or the witness. Counsel shall not approach the bench unless requested to do so by the Court or unless permission is granted upon the request of counsel.

I. Previous Practice Clause: All members in good standing of the United States Bankruptcy Court of the Western District of Virginia prior to February 28, 1988, shall be deemed to be members of the Bar of the United States Bankruptcy Court for the Western District of Virginia.

J. Attorneys Employed by the Department of Justice: All attorneys currently employed by the U. S. Department of Justice are deemed to be admitted under the provisions of 28 U.S.C. 517.

LOCAL RULE IV

Orders Grantable by the Clerk

The Clerk of the Bankruptcy Court is hereby authorized and directed to grant and enter the following orders without further direction by the Court, subject to suspension, alteration or rescission:

A. Order and Notice for Meeting of Creditors: All orders and notices for meetings of creditors may be signed and executed by the Clerk of the United States Bankruptcy Court or his designee, pursuant to Bankruptcy Rule 2002(a).

B. Other Orders Grantable by Clerk: Any and all other orders grantable as a matter of course by the Clerk under the provisions of the Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure, any Federal statute, these Local Rules, or by direction of the Court.

LOCAL RULE V

Photographing, Recording, Broadcasting, and Televising in the Courtroom and Environs

In accordance with the Rules of the Judicial Conference of the United States, photography, electronic recording, video taping, and broadcasting are not permitted in the courtroom and its environs during the progress of, or in connection with judicial proceedings, whether or not Court is actually in session, unless by express permission of the Court.

LOCAL RULE VI

Filing Petitions, Pleadings, and Other Papers

A. Filing in Proper Division

1. Petitions: A petition seeking relief under the Bankruptcy Code shall be filed in the divisional office in which the debtor's domicile, residence, principal place of business or principal assets were located for the greater part of the 180 days immediately preceding the filing of the petition, unless an extreme hardship would result or justifiable cause can be shown.

2. All Other Papers: All motions, pleadings, complaints, and other papers relating to a bankruptcy case or proceeding shall be filed in the divisional office of the court in which the bankruptcy case is pending, except for those matters covered by 28 U.S.C., Section 1409.

B. Proponent to be Member of Bar: Any attorney offering a petition, pleading or other paper for filing on behalf of a client must be a member in good standing of the bar of this Court or may do so with leave of the presiding Judge.

C. Requirements of Form: All petitions, pleadings, and other papers offered for filing shall meet the following requirements of form:

1. Legibility: Papers shall be plainly and legibly type-written, printed, or reproduced.

2. Caption, Official Forms: The caption and form of all petitions, pleadings, schedules, and other papers shall be in compliance with the Bankruptcy Rules, Official Forms, and Local Rules. Each paper or set of papers filed, except the petition, shall bear the case number of the case to which it pertains.

3. Size, Margins, etc.: Papers, including attachments and exhibits, shall be of standard weight and letter (8 1/2 by 11 inches) size, photo-reduced if necessary, with a top margin of not less than 1 1/2 inches. All multipage pleadings and documents shall be fastened into sets at the top. All papers presented for filing at the same time shall be arranged in case number order.

D. Additional Requirements: The following requirements are in addition to those set out in (A) through (C) above:

1. Petitions: The original petition filed must include an unsworn declaration with the original signature of all debtors and the original signature of the debtor's attorney, if any. More than one entity cannot be listed as the debtor, except that husband and wife may file a joint petition.

Rule VI, continued

Each petition filed must be accompanied by:

(a) either:

(i) the proper filing fee paid by cash, cashiers cheque, certified cheque, money order, a cheque drawn on the firm of an attorney who has previously been admitted to practice before the United States Bankruptcy Court for the Western District of Virginia (Note: See 28 U.S.C. 1930), or

(ii) an application for extension of time to pay filing fees, pursuant to Local Rule XII;

(b) a schedule of assets and liabilities on the approved bankruptcy form or a Chapter 13 statement, if applicable.

(c) if the debtor is a corporation, a copy of the corporate resolution or other appropriate authorization, duly attested to, authorizing the filing.

(d) if a Chapter 11 petition, a List of 20 largest unsecured creditors (pursuant to Bankruptcy Rule 1007(d)).

(e) a typed mailing matrix of creditors, the debtor, and his attorney listed in such a manner that the name and addresses of all persons and/or firms appearing thereon can be readily photocopied from it onto a special photocopy mailing label paper. The format for said matrix may be obtained from the Clerk's office upon request. **THIS MATRIX IS TO BE A COMPLETE LIST OF CREDITORS OF THE CASE, AND SHOULD ANY DISCREPANCIES APPEAR BETWEEN THE MATRIX AND THE LIST OF CREDITORS FILED WITHIN THE OFFICIAL FORM REQUIRED, THE MATRIX SHALL BE CONTROLLING. THE FILING OF THIS MAILING MATRIX IS CERTIFICATION THAT IT IS A COMPLETE AND CORRECT LIST OF ALL CREDITORS OF THE DEBTOR.**

If more than a total of five (5) creditors are added by amendment, the attorney or pro se debtor shall file with the Clerk an amended matrix which shall be a certification that all creditors are contained thereon.

Rule VI, continued

2. Copies:

(a) Chapter 7, 12, and 13 Petitions, Schedules and Statement of Affairs:
An original and two copies of all Chapter 7, 12, and 13 petitions, schedules and statement of affairs shall be filed with the Court.

(b) Chapter 9 and Chapter 11 Petitions, Schedules and Statement of Affairs:
an original and five copies of all Chapter 9 and Chapter 11 petitions, schedules and statement of affairs shall be filed with the Court.

3. Complaints: Each complaint commencing an adversary proceeding must be accompanied by:

(a) the proper filing fee, as prescribed by the Judicial Conference pursuant to 28 U.S.C. 1930(b).

(b) a properly completed and originally signed Adversary Proceeding Cover Sheet (A.O. Form B-104). Upon request, this form will be provided by the Clerk's Office.

4. Claims: Each proof of claim presented for filing must:

(a) specify the case number of the applicable bankruptcy case;

(b) be signed by the claimant or the claimant's authorized agent, pursuant to Bankruptcy rule 3001(b);

(c) have attached any applicable security interest or other appropriate documentation evidencing the debt;

(d) also, mail a copy of the claim and any attachments to the case trustee.

5. Amendments to Petition, Lists, or Schedules:

(a) Notice to Affected Parties: Where the debtor files any amendment to the petition, lists, schedules or statements previously filed, the debtor shall send notice of the same to the United States Trustee, any trustee appointed, and to any and all entities affected by the amendment. Where the debtor adds creditors to the case by supplementing either the schedules or the list of creditors previously filed, the debtor shall serve upon each newly-listed creditor a copy of the following:

Rule VI, continued

- i) the amendment;
- ii) the meeting of creditors notice;
- iii) the order granting discharge (if any); and
- iv) any other filed document affecting the rights of said creditor.

(b) Filing of Amendment with Clerk's Office:

- i) Number of Copies Required: An original of all amendments shall be filed.
- ii) Proof of Service: Amendments of the kind specified above shall be accompanied by the debtor's proof of service evidencing that the required notice was given.
- iii) Appropriate Fee: Payment of the fee prescribed by 28 U.S.C., Section 1930.

LOCAL RULE VII

Notice

A. Proponent to Give Notice

1. Generally: The proponent of any post petition action shall give notice to all parties affected thereby, unless there is a specific prohibition or exception set forth in the U. S. Bankruptcy Code, Bankruptcy Rules, Federal Rules of Civil Procedure, or these Local Rules.

2. In Reorganization Cases: All proponents of plans in reorganization cases shall give the notice required under Bankruptcy Rule 2002(b), in a form approved by the Clerk of Court, and shall file proof of service with the Court.

B. Authority for Agreements to Give Notice: The Clerk is authorized to enter into agreements with debtors wherein they will provide all required notices to interested parties in cases where the interests of justice and efficiency are served thereby. The Clerk shall approve the form of all such notices, and proof of service shall be filed with the Court.

C. Notice by Publication

1. Place of Publication: All notices requiring publication shall be published at least once unless otherwise required by order, rule or statute, and such notice shall be published in newspapers of general circulation as the Court may order.

2. Time of Publication: All notices shall be published at least six (6) business days prior to any action to be taken pursuant to the notice, and a longer notice shall be given when required by rule or statute or where deemed proper by the Court.

D. Notices to U. S. Trustee in Chapter 11 Cases: Unless otherwise specifically directed by the Court or the U. S. Trustee, a party in interest in a case commenced under Chapter 11 of the Bankruptcy Code shall serve upon the U. S. Trustee copies of all papers filed with the Court except proofs of claims.

E. Inspection of Mailing Labels: Where any person orders and receives mailing labels from the Clerk's office, it shall be the responsibility of that person to inspect the labels to ensure that all parties required to receive notice are included thereon.

LOCAL RULE VIII

Exhibits

A. The original of an exhibit as well as two (2) copies of any exhibit which is capable of being photocopied shall be filed with the Court.

B. All copies of exhibits, models, diagrams, depositions, transcripts, briefs, tables, charts, or other items or things introduced, tendered or marked in the trial of a matter or filed with or delivered to the Clerk in anticipation of their introduction into evidence or for use at trial, shall be withdrawn by the parties to the litigation or their counsel within thirty (30) days after the judgment and the time for appeal or motion for a rehearing or further hearing shall have passed. If such items, material, or things are not so removed within the time stated, the Clerk may forward them to counsel or the party entitled thereto, or shall destroy or make such other disposition or use of them as the Clerk may deem appropriate.

LOCAL RULE IX

Motions

- A. Requirement of Written Motion: In all cases or proceedings, all motions shall be in writing and be originally signed by the movant or movant's counsel unless made during a hearing or trial.
- B. Grounds and Relief to be Stated: All motions shall state with particularity the grounds therefor and shall set forth the relief or order sought.
- C. Address and Telephone Number of Attorney: The lower left-hand portion to the signature page or pleading shall include the name, address, and telephone number of the attorney or pro se party filing the same.
- D. Return Date, Conference of Counsel: Except as otherwise provided by an order of the Court or by the rules, all motions shall be made returnable to the time obtained from and scheduled by the Court for a hearing thereon. Before requesting a hearing date on any motion, the proponent shall confer with opposing counsel, in person or by telephone, in a good-faith effort to narrow the area of disagreement.
- E. Requirement of Proof of Service: At the end of each pleading, motion and other paper required to be served upon a party, there shall be a proof of service signed by counsel (or the pro se party) certifying that copies were served and detailing the date, manner of service, and the names and addresses of those served.
- F. Extensions: Any request for an extension of time relating to motions must be in writing and approved by the Court.
- G. Determination of Motions Without Oral Hearing: In accordance with Rule 78, Federal Rules of Civil Procedure, the Court may rule upon motions without an oral hearing, unless otherwise required by the Bankruptcy Code, the bankruptcy Rules, or these Rules.
- H. Giving Notice of Motion or Hearing: The party filing a motion, response, or other pleading requiring or requesting a hearing on same, shall make a good faith effort to contact opposing counsel for dates and then obtain a hearing date from the Court and shall give notice of that hearing date to all parties required to receive notice by the Bankruptcy rules, these Local rules, or by order of the Court. The original motion, response, or other pleading, the notice of hearing, and certification that notice of the hearing date has been given must be filed with the Clerk within five (5) business days after the Court has given the hearing date. Failure to file such a certification and notice within the five (5) business days may result in the Court's reassignment, without notice, of the hearing date to other matters.

LOCAL RULE X

Continuances

Motions for continuance of a hearing date shall not be granted by the mere agreement of counsel. Any such motion must be approved by the Court and after notice to all counsel. No continuance will be granted other than for good cause shown and upon such terms as the Court may impress.

LOCAL RULE XI

Court Orders

A. Time for Filing: When the Court instructs a party to prepare a proposed order, the same shall be filed with the Court within eleven (11) days after the conclusion of the trial, hearing, or other disposition of the matter at issue.

B. Form of Filing: With the proposed order the prevailing party shall file:

1. Copies: The original proposed order and no copies.
2. List of Parties to Receive Notice of Entry: The distribution paragraph of all orders shall contain a list of the names and addresses of all parties to receive notice of entry of the order, and
3. As applicable, either
 - (a) Endorsement by All Parties in Interest, or
 - (b) Proof of Service: A certification that the proposed order has been served upon all parties to the action.

C. Endorsement: Endorsement of the form of the order by all parties to the action is encouraged but not required. Difficulty in obtaining endorsements will not excuse the party required to file a proposed order from doing so within the time prescribed by A. of this rule.

D. Objections Noted: Whenever counsel shall endorse an order and note with such endorsement any objection to the order, unless the grounds for the objection have been previously stated in the record, or unless the grounds are set forth in writing at the time and as a part of the endorsement, or a request made to the Court for a hearing, the objection will be deemed to be waived.

LOCAL RULE XII

Filing Fees

A. General Provisions: Except as otherwise provided in subdivision C, every petition shall be accompanied by the prescribed filing fees.

B. Tender of Payment: Payment of filing fees will only be accepted by the Office of the Clerk if it is tendered in cash, cashier's cheque, certified cheque, money order, or a cheque drawn on the firm of an attorney who has previously been admitted to practice before the United States Bankruptcy Court in the Western District of Virginia.

C. Extension of Time to Pay Filing Fees

1. Application for Extension of Time to Pay Filing Fee: An application to pay a filing fee in installments which shall be deemed an application for an extension of time to pay the filing fee. The application shall state that the applicant is unable to pay the filing fee at the time of the filing of the petition and that the applicant has paid no money and transferred no property to his attorney for services in connection with the case. The application shall be filed in duplicate, one copy for the Clerk and one for the Bankruptcy Judge.

2. Action on Application: Prior to the meeting of creditors and unless written objection thereto is made, the Court may make an Order extending the time within which the filing fee is to be paid to a date no later than the date set for the discharge or confirmation hearing. For cause shown, however, the Court may extend the time for payment to a date not later than six (6) months after the date of filing the petition.

The attorney for the debtor shall be responsible for accumulating any installment payments made by the debtor toward the payment of the filing fee and shall remit to the Clerk one payment of the filing fee in full within such time as prescribed by the Court.

D. Effect of Non-Payment: Any petition filed without either tender of proper payment pursuant to Section B of this Rule or an application for extension of time to file will not be accepted by the Clerk.

NOTE: 28 U.S.C., Section 1930 specifies the filing fees to be paid for petitions under Chapters 7, 9, 11, 12 and 13 of Title 11 U.S.C.

LOCAL RULE XIII

Filing of Application for Payment of Professional Fees in Chapter 7 Cases

Any application pursuant to United States Bankruptcy Rule 2016 for the payment of professional fees in a case under Chapter 7 of the Bankruptcy Code must be filed no later than five (5) days before the entry of the order approving the trustee's final distribution in the case. Any applications filed after that time shall be deemed not timely filed and will not be considered by the Court.

LOCAL RULE XIV

Representation of Corporations or Partnerships

Any corporation or partnership which maintains an action in this Court under any chapter of the Bankruptcy Code or appears before the Court in any manner must be represented at all times by counsel.

LOCAL RULE XV

Applications for Employment of Professional Persons **Pursuant to Rule 2014**

- A. Any and all applications for employment of professional persons pursuant to Bankruptcy Rule 2014 must certify that a copy has been filed with the United States Trustee.
- B. All applications for employment shall either: affirmatively aver that the applicant has no connection with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the office of the United States Trustee, or any person employed by the Office of the United States Trustee or make a full disclosure of said connections in the application.
- C. Absent objections within ten (10) days of filing with the Court by a party in interest, the Court may approve said application(s) without further notice or hearing.

LOCAL RULE XVI

Filing of Chapter 13 Plan

A. Filing of Plan:

1. Requirement: The debtor shall file a Chapter 13 Plan not later than fifteen (15) days after the commencement of the Chapter 13 case. The plan shall be accompanied by proof of service as required by C. of this Rule.

2. Form Plan: The Court has supplied a "Form Plan (16.2)" that is appropriate for use by Chapter 13 debtors. The use of this plan is not mandatory.

If the form plan is used and filed with the petition it will not be necessary for the debtor to file a "Summary of Plan (Form 16.1)".

3. Extension of Time to File Plan:

(a) General Policy: Motions to extend the time for filing of a Chapter 13 plan must be in writing and will be granted only upon a showing of exceptional circumstances.

(b) Motion to Extend Time for Filing Plan: A motion to extend time for the filing of a plan shall not be considered by the Court unless the same is filed within fifteen (15) days after the date of commencement of the Chapter 13 case, or the failure to file falls under the provisions of Rule 60 of the Federal Rules of Civil Procedure.

(c) Notice of Extension of Time to File Plan: If the Court grants the debtor's motion to extend time to file a Chapter 13 plan, the debtor shall forthwith notify the trustee and all creditors of the new deadline set for filing the plan and of the new objection period, which shall be calculated pursuant to D.1. of this rule.

B. Summary of Plan: Except those filing "Form Plan 16.2" with their petition, all Chapter 13 debtors shall file with their petition the Summary of Chapter 13 Plan form approved by the Court for use in the Western District of Virginia (Form 16.1) and available in the Clerk's office upon request. Any additional information deemed necessary and appropriate by the Chapter 13 trustee serving on that particular case shall also be required to be filed.

Rule XVI, continued

C. Distribution of Plan:

1. Debtor to Distribute Plan: The debtor shall distribute a copy of the plan to all creditors, the standing trustee, and other interested parties, if the plan is not filed with the petition.

2. Distribution of Modified Plan: If, after having served the plan as required in C.1. of this rule, the plan is modified, the debtor must serve such modified plan on:

- (a) the standing trustee, and
- (b) any creditor(s) affected by the modification.

3. Proof of Service: The debtor shall serve the plan upon all required parties prior to filing the same with the Court. Any plan or modified plan filed with the Court shall include the debtor's proof of service evidencing compliance with this rule. The Clerk will not accept for filing any Chapter 13 plan not accompanied by proof of service.

D. Objections to Confirmation

1. Deadline for filing: Any objection to confirmation of a Chapter 13 plan shall be filed no later than five (5) days before the first date the confirmation hearing is scheduled, or fifteen (15) days after the filing of a modified plan.

2. Service of Objection: The objecting party shall file the original objection to confirmation with the Court and serve copies on the standing trustee, the debtor, and the debtor's attorney. The objection shall be accompanied by proof of service evidencing compliance with this requirement.

LOCAL RULE XVII

Contemporaneous Petitions

No debtor as defined by 11 U.S.C., Section 109 or 101(12) may maintain more than one petition under any chapter or chapters of the United States Bankruptcy Code at the same time.

The second petition filed may be dismissed by the Court sua sponte or pursuant to motion of the United States Trustee or any interested party.

LOCAL RULE XVIII

Deposit in Court Pursuant to Rule 67 of the Federal Rules of Civil Procedure

A. Order for Deposit - Interest Bearing Account: Whenever a party seeks a court order for money to be deposited by the Clerk in an interest bearing account, the party shall personally deliver the order to the Clerk or financial deputy who will inspect the proposed order for proper form and content and compliance with the Rule prior to signature by the Judge for whom the order is prepared.

B. Orders Directing Investment of Funds by Clerk: Any order obtained by a party or parties in an action that directs the Clerk to invest in an interest bearing account or instrument funds deposited in the registry of the Court pursuant to 28 U.S.C. 2041 shall include the following:

1. The amount to be invested;
2. The name of the depository approved by the Treasurer of the United States as a depository in which funds may be deposited;
3. A designation of the type of account or instrument in which the funds shall be invested;
4. Wording which directs the Clerk to deduct from the income earned on the investment a fee, not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office at 10 percent of the income earned on the investment, whenever such income becomes available for deduction in the investment so held and without further order of the Court.

LOCAL RULE XIX

Chapter 11 Plans

A. Post Confirmation Requirements: Once a Chapter 11 plan is confirmed by the Court the debtor will be required to file a quarterly operating report with the Office of the United States Trustee, on a form prescribed by that office. A duplicate of this report is to be filed with the Court to satisfy the requirements of Bankruptcy Rule 2015.

B. Substantial Consummation: Twelve (12) months after confirmation, the debtor shall apply for a final decree and file as an exhibit a final report evidencing compliance to date with the terms of the plan. Copies of the application and final report shall be mailed to the Office of the U.S. Trustee and the creditors committee, if in existence at confirmation, or to the twenty (20) largest unsecured creditors. Debtor's counsel shall also give twenty-five (25) days notice to all creditors and the U.S. Trustee of a hearing on the application for final decree and shall certify in writing to the court compliance with all the noticing required by this order. Written objections to entry of a final decree and request for hearing thereon must be filed not later than five (5) days prior to the hearing date with copies to be served on the debtor.

LOCAL RULE XX

Record on Appeal

A. Designation of Record: A party designating items as part of the record on appeal shall provide copies of the items so designated to the Clerk of the Bankruptcy Court. If a party fails to provide copies to the Clerk within five (5) days after the filing of the designation of the record, the Clerk shall prepare copies at the parties expense per Bankruptcy Rule 8006. The charge assessed will be fifteen dollars (\$15.00) per document searched plus fifty cents (\$0.50) per page copied, pursuant to 28 U.S.C. 1930(b).

B. Transcripts: A party who files a designation which includes a transcript of any proceeding is required to forthwith deliver to the court reporter and file with the Bankruptcy Clerk, a written request for an original and one (1) copy of the transcript and make satisfactory arrangements with the court reporter for payment of the cost involved.

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

RE: ADMISSION OF ATTORNEY TO PRACTICE

TO THE HONORABLE JUDGE OF SAID COURT:

I, _____, apply for admission to practice before this Court and certify that I am a citizen of the United States born at _____; that I have read the Rules of Bankruptcy Procedure and the Local Rules of this Court, am familiar with the Federal Rules of Civil Procedure and the Federal Rules of Evidence, and am qualified and licensed to practice law in the Commonwealth of Virginia.

Mailing address:

Respectfully submitted,

Signed: Applicant

The undersigned, _____, a practicing attorney at the Bar of the United States Bankruptcy Court for the Western District of Virginia, certifies that I am acquainted with the applicant who is of good moral character and professional reputation and who meets the qualifications for admission in accordance with the rules of Court.

Dated: _____

Signed: Member of the Bar

VERIFICATION OF LICENSE TO PRACTICE LAW

The validity of the above-named applicant's license to practice law in the Commonwealth of Virginia was verified at the offices of the Virginia State Bar, with _____ on this the _____ day of _____, 19____.

By: _____
Deputy Clerk

ORDER OF ADMISSION

The above applicant having presented himself before the Court in accordance with the rules of this Court, and having taken the required oath, is ORDERED admitted.

ENTER: _____

JUDGE

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

RE: CERTIFICATION; MEMBER IN GOOD STANDING

I, _____, a member in good standing of the United States Bankruptcy Court for the Eastern District of Virginia, pursuant to the attached certificate of the Clerk of said Court, do hereby certify that I have, within the preceding sixty (60) days, read the Local Rules of this Court.

Respectfully submitted,

Dated: _____

(Member of the Bar)

U.S. BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
FORM 16.1

IN RE:

)
)
)
)

CASE NO. _____

DEBTOR(S)

SUMMARY OF CHAPTER 13 PLAN

Debtor(s) proposes to submit future earnings to the control of the Court for a period of _____ months, making periodic payments of \$_____ per _____ to the Standing Trustee for distribution as provided by law with general unsecured creditors receiving _____%(percent) of their allowed claim(s).

Said periodic payments will be made by: (check one) ☐ Wage Deduction Order ☐ Direct Payment

Debtor(s) schedules list debts in the following amounts:

PRIORITY:\$_____ SECURED:\$_____ UNSECURED: \$_____

PAYMENTS TO SECURED CREDITORS:

Payments to be made directly by the Debtor(s):

Creditor

Collateral

Payment

Payments to be made by the Standing Trustee:

Creditor

Collateral

Payment

Any questions concerning the plan should be addressed to:

Counsel for Debtor

(____)_____
Telephone

Address of Counsel

U. S. BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
FORM 16.2

IN RE:

)
)
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)
)

CASE NO. _____

DEBTOR(S)

CHAPTER 13 PLAN

[] Original Plan [] Amended Plan # _____

Debtor(s) proposes to submit future earnings to the control of the Court for a period of _____ months, making periodic payments of \$_____ per _____ to the Standing Trustee for distribution as provided by law with general unsecured creditors receiving _____%(percent) of their scheduled claims.

Payment will be made by:(Choose one) [] Wage Deduction Order [] Direct Payment

Debtor(s) schedules list debts in the following amounts:

PRIORITY: \$_____ **SECURED:** \$_____ **UNSECURED:** \$_____

Payments made directly to secured creditors by the Debtor(s):

<u>Creditor</u>	<u>Collateral/Debt Type</u>	<u>Value</u>	<u>Interest</u>	<u>Payment</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Payments made to Standing Trustee for secured or priority creditors:**

<u>Creditor</u>	<u>Collateral</u>	<u>Value</u>	<u>Interest</u>	<u>Payment</u>
<input type="checkbox"/> _____	_____	_____	_____	_____
<input type="checkbox"/> _____	_____	_____	_____	_____
<input type="checkbox"/> _____	_____	_____	_____	_____
<input type="checkbox"/> _____	_____	_____	_____	_____
<input type="checkbox"/> _____	_____	_____	_____	_____

Liens avoided pursuant to 11 USC 522(f): _____

Executory Contracts to be rejected: _____

**** NOTICE TO SECURED CREDITORS:** If your claim is marked with and "X", it will be treated as only partially secured and the issues of valuation of your collateral under §506(a) and Rule 3012 will be heard at the day, date and time of the confirmation hearing. Secured creditors will retain their liens upon their collateral until the allowed amounts of their secured claims are paid.

Date: _____ Debtor(s) _____

Any questions concerning the plan should be addressed to **Counsel for Debtor(s):**

_____ Phone no. () _____
